

UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

In Re. Maryann Venechanos	:	
	:	
LSF9 MASTER	:	
PARTICIPATION TRUST,	:	16-02335
	:	
Movant.	:	
	:	
v.	:	
MARYANN T VENECHANOS	:	
	:	
Respondent/Debtor	:	
	:	
and	:	
CHARLES J DEHART, III, Standing Trustee	:	
	:	
Additional Respondent	:	

DEBTOR'S RESPONSE TO MOTION FOR RELIEF

1. On May 31, 2016, Debtor filed a voluntary petition commencing a case under Chapter 13, Title 11, United States Code for the entry of an Order for Relief.

Admitted.

2. Movant holds a valid security interest in the form of a mortgage (the "Mortgage") on a certain residence owned and/or occupied by the Debtor known as 1139 Hemlock Farms, Hawley, PA 18428 and as more particularly described in the Mortgage. A copy of said Mortgage showing Movant's interest is attached to this Motion as Exhibit "A".

Denied. Respondent Debtor has never heard of LSF9 MASTER PARTICIPATION TRUST, and doesn't know who they are. Strict proof is required at trial.

3. This is an action under 11 U.S.C. Section §§ 361, 362, 363, 554(b) & 541 to vacate or modify a stay granted under 11 U.S.C. Section 362(a) to permit foreclosure of the Mortgage and/or a Sheriff's Sale of the subject real property.

Admitted.

4. As of June 23, 2017, the Debtor has defaulted on the payments due for June 2016 through and including June 2017 and together with \$1,031.00 in attorney's fees and court costs, the Debtor owes Movant \$22,376.51 on account of such defaulted payments. As of June 23, 2017, there is \$0.00 in suspense/unapplied funds. After such, the amount of \$22,376.51 shall be due and owing.

Admitted in part and denied in part. Admitted that payments were due. Denied as to attorney fees. Denied to the extent that Respondent Debtor may be entitled to a loan modification pursuant to the National Mortgage Settlements.

5. The Debtor's Payoff balance as of June 23, 2017 is \$349,593.34.

Admitted in part and denied in part. Denied to the extent that Respondent Debtor may be entitled to a loan modification pursuant to the National Mortgage Settlements.

6. The Movant does not have, nor has it been offered, adequate protection for its interest in the mortgaged property.

Denied to the extent that Respondent Debtor may be entitled to a loan modification pursuant to the National Mortgage Settlements. Plaintiff has applied for a loan modification with the mortgage holder servicer for her mortgage. Plaintiff reserves all rights to a loan modification pursuant to any federal law or regulation including but not limited to the National Mortgage Settlement (NMS), United States of America et. al. v. Bank of America et. a., Civil Action Number 12-0361, United States District Court for the District of Columbia.

7. That pursuant to the Debtor's Counsel, the Debtor's intention is to surrender the mortgaged property to Movant.

Denied.

8. If Movant is not permitted to foreclose its security interest as hereinabove set forth, it will suffer irreparable injury, loss and damage.

Denied to the extent that Respondent Debtor may be entitled to a loan modification pursuant to the National Mortgage Settlements.

9. Peter T Venechanos, the co-maker on this obligation is not a party to the present bankruptcy

Admitted.

/S/ Vicki Piontek

8-14-2017

Vicki Piontek, Esquire
Supreme Court ID Number 83559
Attorney for Debtor
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palaw@justice.com

Date of Service

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CERTIFICATE OF SERVICE

A copy of the attached response to motion for relief was sent by First Class, U.S. Mail, postage pre-paid to the following parties at the following addresses.

Charles J DeHart, III (Trustee)
8125 Adams Drive, Suite A
Hummelstown, PA 17036

Keri P. Ebeck, Esquire
436 7th Avenue, Suite 2500
Pittsburgh, PA 15219

/S/ Vicki Piontek

8-14-2017

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